

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KIMBERLY REED, and JOYCEALON
SHEPPARD,

Plaintiffs,

vs.

EDWARD E. BRINK, NSBA # 19504; STACY
DIANE THORNE, MICHAEL T. DEIN, CITY
OF OMAHA, DOUGLAS COUNTY
ASSESSOR, DIANE BATTIATO, MICHAEL
J. GOODWILLIE, ZACHARY BASS, JASMIN
JONSSON, JULIE BROOKS, and CMG
FINANCIAL

Defendants.

8:19CV167

MEMORANDUM AND ORDER

This matter is before the Court on the Findings and Recommendation ([Filing 5](#)) of the magistrate judge¹ recommending the Court dismiss this case for lack of prosecution.

Pursuant to [Federal Rule of Civil Procedure 4\(m\)](#), a plaintiff must serve its complaint on defendant(s) within ninety days of filing the lawsuit. The above-captioned suit was filed on April 17, 2019. [Filing 1](#). To date, nearly five months after filing, Plaintiffs have not requested any summons, filed any return of service indicating service on any Defendant, nor has any Defendant entered a voluntary appearance.

Further, the Court issued an Order to Show Cause by August 27, 2019 why this action should not be dismissed for lack of prosecution. [Filing 4](#). The Magistrate Judge recommended dismissal for lack of prosecution on August 28, 2019 after Plaintiffs failed to respond. [Filing 5](#). On September 5, 2019, Plaintiffs wrote a letter objecting ([Filing 7](#)) to the dismissal of this case,

¹ The Honorable Susan M. Bazis, United States Magistrate Judge for the District of Nebraska

but failed to provide a compelling reason for their lack of prosecution and failure to comply with the Court's order in a timely manner. As such, the Court has reviewed the Findings and Recommendations de novo and adopts them.

IT IS ORDERED

1. This matter is dismissed without prejudice.
2. A separate judgment will be entered.

Dated this 16th day of September, 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge